

**CHAPTER 1059****MENTAL HEALTH CARE AT STATE PSYCHIATRIC HOSPITAL***S.F. 2341*

**AN ACT** relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the state university of Iowa.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 225.10, Code 2005, is amended to read as follows:

**225.10 VOLUNTARY PUBLIC PATIENTS.**

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients as follows: Any physician authorized to practice medicine, osteopathy, or osteopathic medicine in the state of Iowa may file information with ~~any district court of the state or with any judge thereof~~ the board of supervisors of the person's county of residence or the board's designee, stating that the physician has examined the person ~~named therein~~ and finds that the person is suffering from some abnormal mental condition that can probably be remedied by observation, treatment, and hospital care; that the physician believes it would be appropriate for the person to enter the state psychiatric hospital for that purpose and that the person is willing to do so; and that neither the person nor those legally responsible for the person are able to provide the means for ~~such~~ the observation, treatment, and hospital care.

Sec. 2. Section 225.12, Code 2005, is amended to read as follows:

**225.12 VOLUNTARY PUBLIC PATIENT — PHYSICIAN'S REPORT.**

A physician filing information under section 225.10 shall include a written report to the ~~judge~~ county board of supervisors or the board's designee, giving ~~such~~ a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person named in the information and describing the ~~same~~ history in detail.

Sec. 3. Section 225.13, Code 2005, is amended to read as follows:

**225.13 FINANCIAL CONDITION.**

~~It shall be the duty of the judge to have a thorough investigation made by the county attorney of the county of residence of the person named in the information regarding~~ The county board of supervisors or the board's designee is responsible for investigating the financial condition of that a person being admitted to the state psychiatric hospital and of those legally responsible for the person ~~person's support~~.

Sec. 4. Section 225.14, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

**225.14 PATIENT COSTS.**

If it is determined through the financial condition investigation made pursuant to section 225.13 that a person is a committed or voluntary private patient, the person or those legally responsible for the person's support are liable for expenses as provided in section 225.22. The costs of a committed or voluntary public patient shall be paid by the state as provided in section 225.28.

Sec. 5. Section 225.16, Code 2005, is amended to read as follows:

**225.16 VOLUNTARY PUBLIC PATIENTS — ADMISSION.**

1. If the judge of the district court, or the clerk of the court, as aforesaid, county board of supervisors or the board's designee finds from the physician's information which was filed under the provisions of section 225.10, that it would be appropriate for the person to enter be admitted to the state psychiatric hospital, and the report of the county attorney board of supervi-

sors or the board's designee made pursuant to section 225.13 shows that neither the person ~~nor and~~ those who are legally responsible for the person, are not able to pay the expenses thereof ~~incurred at the hospital~~, or are able to pay only a part of the expenses, the ~~judge or clerk~~ person shall be considered to be a voluntary public patient and the board of supervisors shall enter an order directing direct that the said person shall be sent to the state psychiatric hospital at the state University ~~university~~ of Iowa for observation, treatment, and hospital care as a ~~voluntary public patient~~.

2. When the said patient arrives at the hospital, the patient shall ~~receive the same treatment as is provided~~ be cared for in the same manner as is provided for committed public patients in section 225.15.

Sec. 6. Section 225.17, Code 2005, is amended to read as follows:

225.17 COMMITTED PRIVATE PATIENT — TREATMENT.

1. If the judge of the district court finds ~~upon the review and determination made under the provisions of section 225.14 pursuant to section 225.11~~ that the respondent is an appropriate subject for placement at the state psychiatric hospital, and that the respondent, or those legally responsible for the respondent, are able to pay the expenses associated with the placement, the judge shall enter an order directing that the respondent shall be sent to the state psychiatric hospital at the state university of Iowa for observation, treatment, and hospital care as a committed private patient.

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 to 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the central point of coordination process.

Sec. 7. Section 225.18, Code 2005, is amended to read as follows:

225.18 ATTENDANTS.

The ~~court or clerk~~ county board of supervisors or the board's designee may appoint a person to accompany the committed public patient or the voluntary public patient or the committed private patient from the place where the patient may be to the state psychiatric hospital of the state university at Iowa City, or to accompany the patient from the hospital to a place as may be designated by the ~~court or clerk~~ county. If a patient is moved pursuant to this section, at least one attendant shall be of the same ~~sex~~ gender as the patient.

Sec. 8. Section 225.19, Code 2005, is amended to read as follows:

225.19 COMPENSATION FOR ATTENDANT.

~~Any person~~ An individual appointed by the ~~court or judge or clerk~~ county board of supervisors or the board's designee to accompany ~~said a~~ person to or from the hospital or to make an investigation and report on any question involved in the ~~complaint, other than the physician making the examination, matter~~ shall receive the sum of three dollars per day for the time actually spent in making ~~such the~~ investigation ~~(except in cases where the person appointed therefor receives a fixed salary or compensation)~~ and actual necessary expenses incurred in making ~~such the~~ investigation or trip. This section does not apply to an appointee who receives fixed compensation or a salary.

Sec. 9. Section 225.21, Code 2005, is amended to read as follows:

225.21 VOUCHERS.

The person making claim to compensation under section 225.19 shall ~~present to the court or judge an itemized sworn statement of the claim, and when the claim for compensation has been approved by the court or judge or clerk, it shall be filed~~ file the claim in the office of the county auditor and ~~shall be allowed. The claim is subject to review and approval by the board of supervisors or the board's designee.~~

Sec. 10. Section 225.23, Code 2005, is amended to read as follows:

225.23 COLLECTION FOR TREATMENT.

If the bills for such a committed or voluntary private patient are paid by the state, it shall be the duty of the state psychiatric hospital to shall file a certified copy of the claim which has been so paid, for the bills with the auditor of the proper patient's county, who of residence. The county of residence shall proceed to collect the same by action, if necessary, claim in the name of the state psychiatric hospital, and when collected pay the same amount collected to the director of the department of administrative services. The hospital shall also, at the same time, forward a duplicate of the account claim to the director of the department of administrative services.

Sec. 11. Section 225.24, Code 2005, is amended to read as follows:

225.24 COLLECTION OF PRELIMINARY EXPENSE.

Unless ~~said a~~ committed private patient or those legally responsible for the patient patient's support offer to make such settlement settle the amount of the claims, it shall also be the duty of the county auditor of the proper person's county as aforesaid ~~to proceed to of residence shall~~ collect, by action if necessary, in the name of the said county, the amount of all claims for per diem and expenses that have been approved by the said court or judge county board of supervisors or the board's designee and paid by the county treasurer of said county as provided for under the provisions of section 225.21, and when, Any amount collected to pay the same into the shall be credited to the county treasury.

Sec. 12. Section 225.25, Code 2005, is amended to read as follows:

225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.

If any a patient be admitted is committed to the state psychiatric hospital as a private patient and thereafter an order of commitment of the patient as a public patient be made by the court or judge or clerk having jurisdiction thereof after admission it is determined through an investigation made pursuant to section 225.13 that the person is a public patient, the expense of keeping and maintaining the patient from the date of the filing of the information upon which the order is made shall be paid by the state.

Sec. 13. Section 225.30, Code 2005, is amended to read as follows:

225.30 BLANKS — AUDIT.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician who examines a person or respondent whose referral to the state psychiatric hospital is contemplated. A judge may request that a physician who examines a respondent as required by section 229.10 complete such blanks in duplicate in the course of the examination. A physician who proposes to file information under section 225.10 shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply thereof of the blanks shall be sent to the clerk of each ~~district court of the state~~ made available to counties. The director of the department of administrative services shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

Sec. 14. Section 225.20, Code 2005, is repealed.

Approved April 20, 2006

**CHAPTER 1060****DISTRICT ASSOCIATE JUDGES AND MAGISTRATES  
— NUMBER AND APPOINTMENT***S.F. 2342*

**AN ACT** relating to the appointment of district associate judges and magistrates.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 602.6301, Code 2005, is amended to read as follows:

602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES.

There shall be one district associate judge in counties having a population of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than ~~two one~~ hundred ~~seventy~~ thousand; four in counties having a population of ~~two one~~ hundred ~~seventy~~ thousand or more and less than two hundred ~~thirty-five~~ ~~fifteen~~ thousand; five in counties having a population of two hundred ~~thirty-five~~ ~~fifteen~~ thousand or more and less than two hundred ~~seventy~~ ~~sixty~~ thousand; six in counties having a population of two hundred ~~seventy~~ ~~sixty~~ thousand or more and less than three hundred five thousand; and seven in counties having a population of three hundred five thousand or more ~~and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety-five thousand; nine in counties having a population of three hundred ninety-five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eighty-five thousand; and one additional judge for every population increment of thirty-five thousand which is over four hundred eighty-five thousand in such counties.~~ However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch. A district associate judge appointed pursuant to section 602.6302 ~~or 602.6307~~ shall not be counted for purposes of this section ~~and the reduction of a district associate judge pursuant to section 602.6303 also shall not be counted for purposes of this section.~~

Sec. 2. NEW SECTION. 602.6303 APPOINTMENT OF MAGISTRATES IN LIEU OF DISTRICT ASSOCIATE JUDGE.

1. The chief judge of the judicial district may designate by order of substitution that three magistrates be appointed pursuant to this section in lieu of the appointment of a district associate judge under section 602.6304, subject to the following limitations:

a. The substitution shall not result in the judicial district receiving more magistrates than are authorized under the magistrate formula in section 602.6401.

b. The substitution shall be approved by the supreme court.

c. A majority of district judges in that judicial election district, or in the case of an appointment involving more than one judicial election district in the same judicial district, a majority of the district judges in each judicial election district, must vote in favor of the substitution and find that the substitution will provide more timely and efficient performance of judicial business within that judicial election district.

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions no later than May 31 of the year in which the substitution is to take effect. The order shall designate the county of appointment for each magistrate. A copy of the order shall also be sent to the state court administrator.